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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,988	02/17/2004	Gerrit Konijn	TS1194 (US)	1334
23632	7590	10/22/2008		
SHELL OIL COMPANY P O BOX 2463 HOUSTON, TX 772522463			EXAMINER	
			BUSHEY, CHARLES S	
			ART UNIT	PAPER NUMBER
			1797	
			MAIL DATE	DELIVERY MODE
			10/22/2008 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GERRIT KONIJN

Application 10/779,988
Technology Center 1700

Mailed: October 22, 2008

Before KRISTA ZELE, *Deputy Chief Appeals Administrator*.

ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 18, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S ANSWER, MISSING CERTIFIED TRANSLATION

The Examiner relied on the foreign reference Artemov et al. (DE 3832420) in rejecting the claims. A full certified English translation of the above noted foreign reference is not of record in the Image File Wrapper (IFW).

When an Examiner relies on a document “in a language other than English, a translation *must* be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection” (emphasis added). *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 6, September 2007) § 1207.02. Pursuant to a memorandum dated April 29, 2002 by Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy:

Effective immediately, no appeal should be forwarded to the Board of Patent Appeals and Interferences for decision where: (1) a rejection is supported in whole or part by an abstract without reference to the underlying document, . . . ; or (2) a rejection is supported in whole or part by a prior art document not in the English language, unless accompanied by a translation of the prior art document into English.

The memorandum also states “[i]f the document is in a language other than English and the examiner seeks to rely on that document, a translation *must*

be obtained so that the record is clear as to the precise facts the examiner is relying upon in support of the rejection” (emphasis added).

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to obtain full certified English language translation of Artemov et al. (DE 3832420);
- 2) to complete the IFW by having the translation obtained scanned into the IFW file;
- 3) to provide copies of the translation obtained to Appellants; and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ:psb

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